

**CITY OF BRIDGEPORT  
CITY COUNCIL COMMITTEE  
APRIL 28, 2015**

**ATTENDANCE:** Eneida L. Martinez, Co-Chair; AmyMarie Vizzo-Paniccia, Co-Chair;  
Melanie A. Jackson; Jose R. Casco

**STAFF:** Attorney Art Laske, Deputy City Attorney; Captain Bob Gearing,  
Police Department

**OTHER:** Milta Feliciano, 137th District Representative

**CALL TO ORDER**

Co-Chair Martinez called the meeting to order at 6:10 PM. A quorum was present.

**APPROVAL OF COMMITTEE MINUTES: SEPTEMBER 23, 2014 (REGULAR  
MEETING)**

**\*\*CO-CHAIR VIZZO-PANICCIA MOVED TO APPROVE THE MINUTES FOR THE  
SEPTEMBER 23, 2014 REGULAR MEETING.**

**\*\*MS. JACKSON SECONDED.**

**\*\*MOTION PASSED UNANIMOUSLY.**

**PROPOSED AMENDMENT**

**AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, AMEND TO ADD  
NEW CHAPTER 10.32 REGULATING THE OPERATION OR USE OF DIRT BIKES,  
ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI  
CYCLES.**

Atty. Laske and Capt. Gearing introduced themselves to the committee, and stated they were present to speak on behalf of the ordinance.

Capt. Gearing stated that the operation of dirt bikes and ATVs is a major problem within the city of Bridgeport, as they create quality of life and safety issues for the public, as individuals utilize them as transportation in public illegally. The only place to legally operate an ATV or dirt bike within the city of Bridgeport is on private property, with the owner's permission. Furthermore,

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he stated the police department has a difficult time apprehending illegal operators as giving chase creates significant liability issues, as well as safety issues for both the officers and drivers. Capt. Gearing conferred with Atty. Laske and stated that the most convenient way for law enforcement to cite illegal operators is when they are stationary, thus leading to the proposed ordinance. He stated that the ordinance utilizes *prima facie* evidence, in a similar fashion to DUI infractions where an intoxicated individual is found in a parked car with reasonable evidence to imply they had intent to or had operated the vehicle in an altered state. He further stated that this had been a major problem in other cities, including Baltimore, and referenced a documentary he urged the committee to view on the subject, *12 O'Clock High*. He closed by saying they need to remove as many from the streets as possible, as soon as possible.

Co-Chair Vizzo-Paniccia asked whether the goal of the enforcement was to arrest the individuals or fine them, and stated that she wanted to ensure the ordinance was both enforceable and sustainable in court. Capt. Gearing stated that the major goal of the ordinance was not to arrest the individuals, but to confiscate the bikes. He stated that the bikes would be seized, and in order to retrieve it the individuals would have to pay a fee, provide proof of ownership and, in the case of underage operators, retrieve it with a parent present. She asked if they had developed a policy for recurring offenders of the ordinance, and he stated that they had, and had conferred with both New Haven and Hartford on the matter. She further asked which vehicles the ordinance would specifically cover. Atty. Laske stated that they had deliberately defined the motor driven cycle very broadly, with coverage for modifications.

Ms. Jackson asked if other cities also have similar ordinances, and Capt. Gearing stated that most cities have operations, but that the city of Bridgeport is expanding theirs to possession as an infraction, as they are illegal within the city limits. She asked if there was a place to ride them locally, and he stated that there wasn't in the city, with the exception of private property and legal towing of the vehicle.

Atty. Laske stated that the proposed ordinance was a compilation of numerous other ordinances in cities across Connecticut. He stated that one of the liabilities involved is that there is little law enforcement can do safely to apprehend an offender. He stated that in the ordinance, if an individual has possession of the vehicle on public property, then the officer who witnesses this has the right to approach that individual in public and question them about the vehicle. He further stated this was safer for the operator and the officer.

Ms. Feliciano asked how difficult it would be for the offenders to get the bikes back, and Capt. Gearing stated that it would involve fines, proof of ownership and storage fees. She inquired further about the fees. Atty. Laske directed the committee to page three of the ordinance, where a fine scale was provided based on the frequency of the violation, with the fines escalating with each recurring offense. She asked where the bikes would be stored, and Capt. Gearing stated that the Chief has decided for short term use, they would utilize their standard towing company and

offer an incentive, while long term the city is searching for a facility to secure and use as storage. She inquired further about the incentive, and Capt. Gearing stated it would be a flat fee of \$50 per tow. He further stated that the city was considering an old garage on Madison, as they wanted a secure location where people couldn't break in to retrieve their bikes. Ms. Feliciano asked if, in a scenario where an offender has an illegal vehicle in public, but on a privately owned property such as a gas station, it would still be possible to apprehend them. Capt. Gearing stated that using the *prima facie* logic, it would be reasonable to assume that the individual had to utilize the vehicle to get to the gas station, and Atty. Laske further stated that public property went as far as streets or sidewalks, so once the individual moved from the gas station, it would be possible to apprehend them. Capt. Gearing stated that law enforcement would primarily be using unmarked cars, and if they happened to see the individual operating the vehicle before turning into a gas station, it would be possible to follow them and cite them. Atty. Laske compared this to an officer seeing motorist run a red light, and then turn into a gas station.

Co-Chair Vizzo-Paniccia asked if filling up the bike itself or viewing it on the back of a trailer constituted an offense. Capt. Gearing stated that no, using a truck or trailer to transport the vehicle was legal. She asked if they would need to amend contracts with the towing companies because of liability changes in transporting bikes opposed to cars. Atty. Laske stated that in order to accommodate changes that may need to be made involving the existing towing policy, they had structured the ordinance to be independent of the towing ordinance. She asked if the fines associated with the ordinance violation would be given to the city or the state. Atty. Laske stated that as it is a municipal ordinance, the assumption is that the money would stay with the city. Co-Chair Vizzo-Paniccia asked, in comparison to a DUI charge where an officer could pick them up on private property, what the difference or distinction was from the proposed ordinance. Atty. Laske stated that they did not anticipate the cases involving this ordinance to become quite as complicated as DUI cases, which tend to have several additional factors that would not come into play.

Mr. Casco asked if the enforcement ordinance was being proposed because the bikes were illegal or because they were not registered, and, in the event the bikes are registered and the individual can pay the fine, is it simply returned to them. Capt. Gearing stated that most of the operators are underage, and that the ordinance was being put in place because the bikes themselves are a quality of life issue, with no DMV classification or street legality. He further stated that the goal was to simply get the bikes off the street and discourage further use.

Co-Chair Vizzo-Paniccia asked if there were any final changes to be made to the ordinance. Atty. Laske suggested there be one final comma on pg. 1, subsection 4 ("Owned by the... , if such bike-").

Ms. Feliciano asked if the individual is not of the legal age to drive, what the procedure would be when stopping them, and if the law enforcement officer would have to find them later to seize

the bike or if it was an immediate seizure. Atty. Laske stated that the individual would be given a ticket and have an infraction noted. He stated that as it is an ordinance violation and not a more severe offense, it was not an arrestable offense. He stated that the vehicle would be held in custody until all the fines are paid, but that there would be no criminal record as it is a minor infraction similar to a motor vehicle violation.

Ms. Jackson asked when the ordinance would go into effect and how they planned on letting people know of its existence. Co-Chair Vizzo-Paniccia stated that the change would be put into the papers and given a date presuming it made it through both the city council and mayor's approval. Ms. Feliciano stated that it would be voted on in the full council meeting, and Co-Chair Vizzo-Paniccia stated that it could pass within a matter of a week, with no objection. She further stated that the offense was already illegal, it was just being put on the books, and that a press release had been issued. Atty. Laske stated that he could put in an effective date for the ordinance as well.

**\*\*CO-CHAIR VIZZO-PANICCIA MOVED TO APPROVE AN AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, AMEND TO ADD NEW CHAPTER 10.32 REGULATING THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI CYCLES WITH THE GRAMMATICAL AMENDMENT OF A COMMA ON PAGE 1, SUBSECTION 4.**

**\*\*MR. CASCO SECONDED.**

**\*\*MOTION PASSED UNANIMOUSLY.**

### **ADJOURNMENT**

**\*\*CO-CHAIR VIZZO-PANICCIA MOVED TO ADJOURN.**

**\*\*MS. JACKSON SECONDED.**

**\*\*MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:45 PM.

Respectfully submitted,

Catherine Ramos  
Telesco Secretarial Services

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